IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 22846 of 2007(T)

PETITIONER:

JACOB.J., AGED 18 YEARS,
S/O.JOSEPH ANTONY, POTHANIKATTU HOUSE,
KUTHUKUZHY P.O., KOTHAMANGALAM.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. COMMISSIONER OF ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER OF ENTRANCE
EXAMINATIONS, THIRUVANANTHAPURAM- 695 001.

3. MEDICAL COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE MEDICAL COUNCIL OF INDIA,
AIWAN-E-GALIB MARG, KOTLA ROAD, NEW DELHI-2.

4. PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
KOTTAYAM.

5. PRINCIPAL,
GOVERNMENT DENTAL COLLEGE,
THIRUVANANTHAPURAM.

R1 & R2 BY GOVT.PLEADER SRI.I.V.PRAMOD.
R3 BY ADV. SRI.ALEXANDER THOMAS, SC, MCI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.22846 of 2007-T

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Dated this the 14th day of August, 2007.

JUDGMENT

The petitioner challenges Clause 5.2.24 of Ext.P2 in relation to Sports Quota for MBBS admission. His case is that though he has obtained only less than 50% for the Entrance Examination, he being a meritorious sports quota candidate ought to be given admission without insisting on such a bench mark. It is not in dispute that the Medical Council has fixed a bench mark of 50% in the Entrance Examination for admission. Even if it were not, in my view, if the Government have taken a decision in that regard and fixed a particular bench mark for the purpose of being considered after a competition in the form of an entrance examination, such a provision cannot be held to be arbitrary, irrational or unconstitutional. The challenge in the writ

petition hence fails. The writ petition is dismissed.

On pronouncement of this judgment, the learned counsel for the petitioner submits that his client may have a chance, at least, for BDS and that he may make a representation in that regard. I am not expressing anything on the said matter particularly because, this judgment does not take care any such contention of the petitioner.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-